

Ian S. Marx, Esq. (IM 1704)
GREENBERG TRAURIG, LLP
200 Park Avenue
Florham Park, New Jersey
(973) 360-7900
(973) 301-8410 (Fax)

*Attorneys for Plaintiff
Debt Resolve, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEBT RESOLVE, INC.,

Plaintiff,

v.

APOLLO ENTERPRISE SOLUTIONS, LLC,

Defendant.

Civil Action No.

COMPLAINT

1. Plaintiff, Debt Resolve, Inc. ("Debt Resolve") for its Complaint herein, alleges, on information and belief, as follows:

JURISDICTION AND VENUE

2. This Complaint is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 and §§ 281-285. This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1338(a). Venue is proper in this judicial district based on 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

THE PARTIES

3. Plaintiff Debt Resolve is a Delaware corporation with its principal place of business at 707 Westchester Avenue, Suite L-7, White Plains, New York 10604.

4. Defendant Apollo Enterprise Solutions, LLC (“Apollo”), is a Delaware corporation with its principal place of business at 2111 Business Center Drive, Suite 204, Irvine, California 92612.

FACTS GIVING RISE TO THE COMPLAINT

5. Debt Resolve, an AMEX listed company, is the leader in online debt collection, providing lenders, collection agencies, debt buyers and any holder of consumer accounts receivables a patented online bidding platform and a suite of tools for the resolution and settlement of consumer debt. The platform, which can be used at all stages of collection and recovery, gives companies a way to effectively collect more delinquent consumer debt and contact customers who would otherwise avoid other communication channels, while maintaining positive relationships with their customers. Hundreds of thousands of new accounts have been entered into this platform since it was implemented in 2004. Debt Resolve’s commercial system allows debtors to make offers that they can pay which are then compared in an automated fashion by Debt Resolve’s computer system against a floor number or algorithm that the client places into Debt Resolve’s online system. Debt Resolve’s patented method both substantially reduces the cost of debt collection and allows users to collect more money than expected on a given portfolio of debt.

6. Debt Resolve has exclusive rights under certain patents with respect to the settlement of consumer debt, including United States Patent No. 6,330,551 (the “’551

patent”), entitled Computerized Dispute Resolution System and Method (a copy of which is Exhibit A hereto, including a Certificate of Correction dated November 12, 2002), and United States Patent No. 6,954,741 (the “’741 patent”), entitled Computerized Dispute Resolution System and Method (a copy of which is attached hereto as Exhibit B). The ‘551 patent has recently been successfully asserted by Cybersettle, Inc., which has exclusive rights thereunder relating to insurance disputes, in *Cybersettle, Inc. v. National Arbitration Forum, Inc.*, D.N.J., Case No. 3:04-C.V.-04744 (MLC).

7. Apollo is a competitor of Debt Resolve with respect to the online collection of consumer debt. Apollo describes itself as providing a web-hosted solution for industries involved in receivables management and debt collections. Apollo solicits business nationwide, including in New Jersey, and conducts online transactions with debtors and creditors in various states, including New Jersey.

8. Apollo calls its system Intelligent Debt Solutions for Debtor Self-Settlement (“IDS”). According to Apollo’s website, www.apolloenterprise.com, the IDS is a “web-based collections and recovery platform” that presents “the debtor with multiple payment or settlement offers with flexible payment terms in a non-threatening, online environment.” More specifically, Apollo’s IDS allows a debtor either to accept an online offer made based on rules set up by the creditor or “to negotiate a settlement in real-time that may be decisioned using the system” based on creditor-defined rules.

9. Apollo’s IDS directly or contributorily infringes one or more claims of the ‘551 patent, including but not limited to claims 1, 2, 3, 6 and 27, and/or the ‘741 patent, including but not limited to claims 42 and 51, and/or induces infringement of one or more claims of the ‘551 patent and/or the ‘741 patent.

10. The infringement of the '551 patent and the '741 patent by Apollo has deprived and will deprive Debt Resolve of sales, profits and royalties which Debt Resolve would have made or will enjoy in the future and has in other respects irreparably injured or, if not enjoined, will irreparably harm Debt Resolve and will cause Debt Resolve added injury and damage, including loss of profits and royalties in the future unless Apollo is enjoined from infringing the '551 patent and the '741 patent.

PRAYER FOR RELIEF

WHEREFORE, Debt Resolve prays that this Court enter a judgment and order that:

(A) Apollo's IDS infringes the asserted claims of the '551 patent and/or the '741 patent;

(B) Apollo's infringement is willful;

(C) Apollo and its officers, agents, servants, representatives, employees and all others in concert or participation with them, directly or indirectly, be permanently enjoined from infringing, inducing others to infringe, or contributing to the infringement of the '551 patent and/or the '741 patent pursuant to 35 U.S.C. § 283.

(D) Debt Resolve be awarded damages adequate to compensate it for Apollo's infringement of the '551 patent and/or the '741 patent together with pre-judgment and post-judgment interest;

(E) These damages be trebled pursuant to 35 U.S.C. § 284;

(F) Debt Resolve be awarded its costs and reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285; and

(G) Debt Resolve be awarded such other and further relief as the circumstances of this case may require and as this Court may deem just and proper.

Dated: January 8, 2007

Respectfully submitted,

/s/

Ian S. Marx, Esq. (IM 1704)
GREENBERG TRAURIG LLP
200 Park Avenue
Florham Park, New Jersey
Attorneys for Plaintiff
Debt Resolve, Inc.

Of Counsel:

Albert L. Jacobs, Jr.
Daniel A. Ladow
GREENBERG TRAURIG LLP
Met Life Building
200 Park Avenue
New York, New York 10166
(212) 801-9200